EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION,

          Plaintiff,

     v.

ATLANTIC CAPES FISHERIES, INC. and,
BJ'S SERVICE CO., INC.

          Defendants

C.A. No. 1:17-cv-11860-PBS

DEFENDANT ATLANTIC CAPES FISHERIES, INC.'S PARTIAL MOTION TO DISMISS THE COMPLAINT

Defendant Atlantic Capes Fisheries, Inc. ("ACF") hereby moves, pursuant to Rule

12(b)(6) of the Federal Rules of Civil Procedure because the Complaint fails to state a claim

upon which relief may be granted with respect to the class claims Plaintiff Equal Employment

Opportunity Commission ("EEOC") has included in the Complaint. More specifically,

Plaintiff's Complaint, and the documents incorporated therein, fail to allege facts sufficient to

state that the EEOC met its statutory obligations to conciliate with ACF regarding its purported

class claims pursuant to Title VII of the Civil Rights Act of 1964.

In support of this Motion, ACF files herewith an accompanying Memorandum of Law.

REQUEST FOR ORAL ARGUMENT

Pursuant to Local Rule 7.1(d), ACF respectfully requests that the Court schedule a

hearing on this motion.

LOCAL RULE 7.1(a)(2) CERTIFICATION

The undersigned certifies that counsel have conferred and attempted in good faith to

resolve or narrow the issues raised in this Motion.

ATLANTIC CAPES FISHERIES, INC.,

/s/ Stacie B. Collier
Stacie B. Collier (BBO #645172)
Jessica S. Jewell (BBO #679489)
NIXON PEABODY LLP
100 Summer Street
Boston, MA 02110
Telephone: (617) 345-1000
Facsimile: (617) 345-1300
sbcollier@nixonpeabody.com

Dated: December 5, 2017   jsjewell@nixonpeabody.com

CERTIFICATE OF SERVICE

I hereby certify that this document filed through the CM/ECF system will be sent

electronically to the registered participants as identified on the NEF (NEF) and paper copies will

be sent to those indicated as non-registered participants on December 5, 2017.

/s/ Stacie B. Collier